

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

TRAVIS RIGEL,

Petitioner,

v.

No. Civ. 16-90 RB/SCY

STATE OF NEW MEXICO  
CORRECTIONS DEPARTMENT, et al.,

Respondents.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** is before the Court on Petitioner Travis Rigel's pro se Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. (Doc. 1.) The Court referred this petition to United States Magistrate Judge Steven C. Yarbrough for entry of proposed findings and a recommended disposition. (Doc. 3.) On January 4, 2019, Judge Yarbrough entered his Proposed Findings and Recommended Disposition (PFRD). (Doc. 17.)

In the PFRD, Judge Yarbrough determined that Petitioner has filed a mixed petition containing both exhausted and unexhausted claims. He specifically found that Petitioner failed to exhaust his ineffective assistance of counsel and judicial bias claims. Judge Yarbrough therefore recommended that the Court give Petitioner 30 days to voluntarily dismiss his unexhausted claims or to provide evidence demonstrating exhaustion. If, within 30 days, Petitioner does not provide evidence of exhaustion or does not elect to dismiss the unexhausted claims, Judge Yarbrough recommended dismissing his petition without prejudice.

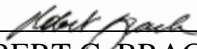
Judge Yarbrough notified the parties that they had 14 days from the service of the PFRD to file any objections to the PFRD. (*Id.* at 12.) The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v.*

*One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

**IT IS THEREFORE ORDERED** that:

1. The PFRD (Doc. 17) is ADOPTED; and
2. Petitioner has 30 days from the date of the entry of this Order to either voluntarily dismiss his unexhausted claims or to provide evidence demonstrating exhaustion. If Petitioner fails to do so, his Petition will be dismissed.

**IT IS SO ORDERED.**

  
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ROBERT C. BRACK  
SENIOR U.S. DISTRICT JUDGE